

REMARKS

The Applicants have studied the final *Office Action* mailed January 20, 2006, and have made proposed amendments to the specification and the claims. It is respectfully submitted that the application, if amended as proposed, is in condition for allowance. By virtue of this amendment, claims 28, 35, and 49-54 are pending in the application. Claims 28, 49, 51, and 53 are allowed. Claims 35, 50, 52, and 54 are rejected. Proposed amendments to claims 35, 50, 52, and 54 have been made. No new matter has been proposed to be added. A complete listing of all the claims has been made. Proposed amendments to the specification have also been made, as required by the Examiner in the *Advisory Action* mailed March 29, 2006, following the Applicants' *Response to Final Office Action Dated January 20, 2006*, filed March 6, 2006. No new matter has been proposed to be added. The Applicants gratefully acknowledge the teleconference today, April 20, 2006, between the Examiner and the undersigned, discussing the remaining issues to be resolved. The Examiner's rejections are addressed below in substantially the same order as in the final *Office Action* mailed January 20, 2006. The Applicants respectfully request consideration and allowance of the claims in view of the above proposed amendments and the following remarks.

REJECTIONS UNDER 35 USC §112

Claims 35, 50, 52, and 54 are rejected under 35 USC §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As discussed in the teleconference today, April 20, 2006, between the Examiner and the undersigned, amendments to claims 35, 50, 52, and 54 have been proposed, taking the Examiner's concerns into account. Consequently, the Applicants respectfully request that the rejection of claims 35, 50, 52, and 54, if amended as proposed, under 35 USC §112, ¶2, be withdrawn.

OATH/DECLARATION

In the *Advisory Action* mailed March 29, 2006, the Examiner appeared to have accepted the Applicants' reasons proffered in the *Response to Final Office Action Dated January 20, 2006*, filed

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March 6, 2006, that the declaration meets the statutory requirements. For the Examiner's convenience, these reasons are given again below.

The Examiner had stated that the oath or declaration is defective because "[a]ll inventors have not signed the oath." The final *Office Action* mailed January 20, 2006, page 3. For the following reasons, the Applicants respectfully submit that the declaration meets the statutory requirements.

In the June 4, 2002 Petition in Support of Application (June Petition) as filed, the Applicants identified the named inventors of the above-identified application as follows:

Ben Jones
Scott Dupuie
Jeff Blackburn
Richard A. Johnson
Michael L. Abrams
James Broseghini
Mauricio A. Zavaleta
Mark E. Burchfield
Roger Maher
Burton A. DeVolk
Frank Mayo

The list of inventors who did not sign Oath/Declaration in the application, were listed as follows: **Burton Devolk, Richard Johnson and James Broseghini.**

In the September 19, 2002 Renewed Petition (First Renewed Petition), the Applicants listed the identity of the non-signing inventors as the same as in the June Petition. The First Renewed Petition addressed deficiencies listed in the Decision rendered for the June Petition.

In the May 9, 2002 Renewed Petition (Second Renewed Petition), the Applicants listed the non-signing inventors as follows: **Burton Devolk, Richard Johnson, James Broseghini, and Mark Burchfield.** Mark Burchfield was added to the list of non-signing inventors. In order to correct deficiencies listed in the Decision rendered for the First Renewed Petition, the Applicants prepared substitute declarations. Although Mark Burchfield signed the original declaration, Mark Burchfield did not sign the substitute declaration.

The Decision Rendered on September 5, 2003 granted the Applicant's Second Renewed Petition.

Thus, the Applicants respectfully submit that the pending case has a properly executed

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declaration for all signing inventors and that the Decision Accepting the Second Renewed Petition addresses the absence of signatures for **Burton Devolk, Richard Johnson, James Broseghini, and Mark Burchfield.**

ALLOWABLE SUBJECT MATTER

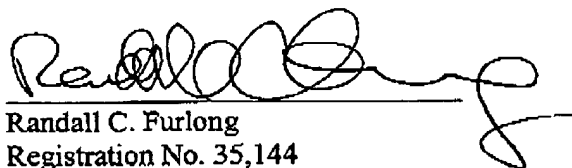
The Applicants note with appreciation the Examiner's conclusion that claims 35, 50, 52, and 54 would be allowable if rewritten or amended to overcome the rejections under 35 USC §112, ¶2. The Applicants respectfully agree, and respectfully submit that the proposed amendments overcome the rejections under 35 USC §112, ¶2, placing all the pending claims in condition for allowance, which allowance is respectfully requested.

CONCLUSION

For all the foregoing reasons, the Applicants submit that the application is in a condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 266-1130 x 123 to discuss the steps necessary for placing the application in condition for allowance. No additional fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (10-1009US).

Respectfully submitted,

Dated: April 20, 2006



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